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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

09/941,563

08/30/2001

Takao Miyazaki

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10/31/2006

BIRCH STEWART KOLASCH & BIRCH

PO BOX 747

FALLS CHURCH, VA 22040-0747

EXAMINER

LIN, KENNY S

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,563

Applicant(s)

MIYAZAKI ET AL.

Examiner

Kenny Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-21 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/18/2006 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5, 7, 13 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donoho et al (Donoho), US 6,801,929, in view of Focsancanu et al (Focsancanu), US 5,991,292.
5. Donoho and Focsancanu were cited in the previous office action.

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6. As per claim 1, Donoho teaches an informing system for providing information through a local area network having a plurality of devices (col.5, lines 41-44), the informing system comprising:

- a. A communication device that communicates at least with the plurality of devices within the local are network (Fig.1, col.5, lines 41-44, 50-58: advice provider 10 and consumers 14a-14c where they are represented by computers, col.77, lines 30-42);
- b. A properties file producing device (Fig.5, item 50, col.8, lines 9-16; wherein the directory directly or indirectly produces the advisory file) that produces a properties file (col.13, lines 60-67, col.14, lines 1-17, 26-59) showing settings (col.23, lines 27-57, a sample of the advisory file) related to at least one of the following:
 - c. Whether or not an informing job has priority over other informing jobs, whether the informing job will be performed automatically or manually (col.8, lines 55-67), a range of the informing job (col.8, lines 55-67, wherein the job is performed automatically; col.14, lines 25-55, wherein the range of jobs are types of advisories sent out);
 - d. Wherein when information is received at the communication device, a determination is made on how to provide the received information based on setting include in the properties files (col.2, lines 47-67, col.3, lines 1-5, col.23, lines 27-57, col.16, lines 1-15);

- e. An informing device that provides the received information to at least one of the plurality of devices within the local area network according to the determination made based on the settings in the properties file produced by the properties file producing device (col.5, lines 41-44, 50-58, col.16, lines 10-15, col.23, lines 27-57);

7. Donoho does not explicitly teach which of the plurality of devices on the local are network will perform the informing job. However, Focsancanu teaches which device on the network will perform the informing job (col.15, lines 33-50), in order to avoid communication device failure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Focsancanu with Donoho because the combination would improve the functionality for Donoho's system by allowing the user to specify in the user profile which device will act as the informing device.

8. As per claim 3, Donoho and Focsancanu teach the informing system as defined in claim 1. Donoho further teaches that the local area network is a home network in a home (col.5, lines 40-45).

9. As per claim 5, Donoho teaches a server that stores the properties file produced by the properties file producing device (col.102, lines 1-25, wherein the servers here are the advise provider sites), the remainder of claim 5 is rejected for the same reasons as rejected to claim 1 above.

10. As per claim 7, the claim is rejected for the same reasons as rejection to claim 3 above.

11. As per claim 13, the claim is rejected for the same reasons as rejection to claim 1 above.

12. As per claim 15, Donoho and Focsancanu teach the informing system as defined in claim

13. Donoho further teaches that providing information according to the determination made based on the settings in the properties file further includes transferring the received information to one of the plurality of devices on the network based on the setting in the properties file (col.2, lines 47-67, col.3, lines 1-5, col.14, lines 39-58, col.16, lines 1-15, col.23, lines 27-57). Donoho does not explicitly teach which of the plurality of devices on the local are network will perform the informing job. However, Focsancanu teaches which device on the network will perform the informing job (col.15, lines 33-50), in order to avoid communication device failure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Focsancanu with Donoho because the combination would improve the functionality for Donoho's system by allowing the user to specify in the user profile which device will act as the informing device.

13. As per claim 16, Donoho and Focsancanu teach the informing system as defined in claim

13. Donoho further teaches that whether or not an informing job has priority over other informing jobs (col.43, lines 45-63) further includes establishing a communication channel between a device storing the properties file (Figs.1 and 5, item 50) and another of the plurality of

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devices (Fig.1, 14a-14c) on the local area network based on the setting in the properties files (col.14, lines 39-58, col.23, lines 27-57).

14. As per claim 17, Donoho and Focsancanu disclose the invention substantially as claimed as described in claim 1 above. Donoho further teaches that the system produces the property file according to a user's input operation (col.7, lines 39-63).

15. As per claim 18, Donoho and Focsancanu disclose the invention substantially as claimed as described in claim 1 above. Donoho further teaches that the system produces the property file according a user's input operation in a properties screen (col.7, lines 39-63, col.8, lines 38-44).

16. As per claim 19, Donoho and Focsancanu disclose the invention substantially as claimed as described in claim 1 above. Donoho further teaches that the system produces the properties file of one of the plurality of devices within the local area network (col.13, lines 60-67, col.14, lines 1-17, 26-59), wherein a local area network is a home network (col.5, lines 40-45). Donoho and Focsancanu did not explicitly teach that the one of the plurality of devices is selected on a selection screen. However, Donoho provided motivation to use user interfaces for inputs. It would have been obvious to one of ordinary skill in the art a the time the invention was made to incorporate Donoho and Focsancanu's system with graphical user interfaces or touch input screens to provide easy input functionalities.

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17. As per claim 20, Donoho and Focsancanu disclose the invention substantially as claimed as described in claim 1 above. Donoho further teaches that the system sends the produced properties file to the selected one of the plurality of devices (col.2, lines 47-67, col.3, lines 1-5).

18. As per claim 21, Donoho and Focsancanu disclose the invention substantially as claimed as described in claim 1 above. Donoho further teaches that the system sends the produced properties file to the selected one of the plurality of devices together with information (col.2, lines 47-67, col.3, lines 1-5).

19. Claims 2, 4, 6, and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Donoho and Focsancanu as applied to claims 1, 3, 5 and 7 above, and further in view of Stumer, US 2002/0064271.

20. Stumer was cited in the previous office action.

21. As per claim 2, Donoho and Focsancanu disclose the invention substantially as claimed as described in claim 1 above. Donoho and Focsancanu do not explicitly teach informing device for turning on a device if the device property file shows that the job from the informing device has higher property. However, in the same field of endeavor, Stumer teaches an embodiment of NRCR system for optimization ([0027]), which is capable of turning on i.e. wake up, a device in a network; based on priority ([0049]). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such capability as taught in Stumer

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with Donoho and Focsancanu in order to optimize efficiency of Donoho and Focsancanu's system as suggested (Stumer, [0002]).

22. As per claims 4, 6 and 8, the claims are rejected for the same reasons as rejection to claim 2 above.

23. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donoho and Focsancanu as applied to claim 5 above, and further in view of Kang, US 2003/0074450.

24. Kang was cited in the previous office action.

25. As per claim 9, Donoho and Focsancanu disclose the invention substantially as claimed as described in claim 5 above. Donoho and Focsancanu do not explicitly teach server is one of a refrigerator and a telephone that can transmit and receive information through the local area network. However, in the same field of endeavor, Kang teaches a home network system comprising a plurality of home appliances ([0024]), which are capable of transmitting signals with each other so that one or more of the devices can control the other devices ([0024]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Kang with Donoho and Focsancanu because combination would improve the functionality for Donoho and Focsancanu's system by monitoring and control status of devices within a home network comprising various appliances (Kang, [0024], [0010-0012]).

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26. As per claim 11, the claim is rejected for the same reasons as rejection to claim 3 above.

27. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donoho, Focsancanu and Kang as applied to claims 9 and 11 above, and further in view of Stumer.

28. As per claims 10 and 12, the claims are rejected for the same reasons as rejection to claim 2 above.

29. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donoho and Focsancanu as applied to claim 14 above, and further in view of applicant admitted prior art (AAPA).

30. As per claim 14, Donoho and Focsancanu teach the informing system as defined in claim 13. Donoho further taught that the informing job will be performed automatically or manually (col.8, lines 55-67). Donoho and Focsancanu did not specifically teach to transferring the information to a printing device for printing. AAPA taught to send request regarding print jobs for printing at a printer (page 1, lines 8-11 of the specification). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Donoho, Focsancanu and AAPA to enable information such as a print job request to be transmitted to a printer to perform printings.

Response to Arguments

31. Applicant's arguments filed 8/18/2006 have been fully considered but they are not persuasive.

32. In the remark, applicant argued (1) Donoho fail to teach the properties file producing device and the properties file as claimed. There are no settings in the advisory file that include any of those elements as recited in claim 1. Further there are no settings in the advisory file that contribute to determining how the received information should be provided. (2) There is no information in the SDF that teaches settings relating to whether the information job will be performed automatically or manually and further, the SDF is not the advisory file the Examiner is relying to teach the properties files of the claimed invention. The advisory information is not provided to at least one of the plurality of devices within the local area network according to the determination made based on the settings in the properties file produced by the properties file producing device. (3) Donoho and Focsancanu alone or in combination, fail to teach or suggest "transferring the received information to one of the plurality of devices on the network based on the setting, relating to which of the plurality of devices on the local area network will perform the informing job, in the properties file" as recited in claim 15. (4) There is no teaching in Donoho of a local area network, the communication channel between the advice provider's site and the advice read is not based on any information that is stored in the advisory file, there are no plurality of devices.

33. Examiner traverse the argument:

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As to point (1), Donoho taught to produce properties file (col.13, lines 60-67, col.14, lines 1-17, 26-59) showing settings related to **at least one** of whether or not an informing job has priority over other informing jobs, whether the informing job will be performed automatically or manually (col.8, lines 55-67), a range of the informing job (col.8, lines 55-67, wherein the job is performed automatically; col.14, lines 25-55, wherein the range of jobs are types of advisories sent out). Donoho reference clearly fulfills the claimed limitation of “at least one” by teaching one and more of the related settings.

As to point (2), although SDF does not the advisory file, Donoho taught in column 8, lines 55-67 to show that informing job may be either automatically or manually. Donoho further taught that determination is made on how to provide the received information based on setting include in the properties files (col.2, lines 47-67, col.3, lines 1-5: based on information which is inaccessible to other communications protocols, time element...etc).

As to point (3), Donoho teaches that providing information according to the determination made based on the settings in the properties file further includes transferring the received information to one of the plurality of devices on the network based on the setting in the properties file (col.2, lines 47-67, col.3, lines 1-5, col.14, lines 39-58, col.16, lines 1-15, col.23, lines 27-57). Donoho does not explicitly teach which of the plurality of devices on the local are network will perform the informing job. However, Focsancanu teaches which device on the network will perform the informing job (col.15, lines 33-50), in order to avoid communication device failure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Focsancanu with Donoho because the combination would improve the functionality for Donoho’s system by allowing the user to specify in the user profile which device will act as

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the informing device. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). The combination of Donoho and Focsancanu is obvious to one of ordinary skill in the art to provide a task distribution method with load balancing (e.g. determine which device is able to process the task) to Donoho's system. As to point (4), Donoho explicitly suggested that the invention to be implemented on infrastructures such as intranets, Internet, WWW and related services (col.5, lines 41-44, 64-67, col.6, lines 1-6col.10, lines 48-53). Focsancanu taught which device on the LAN will perform the informing job (col.15, lines 33-50), in order to avoid communication device failure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Focsancanu with Donoho because the combination would improve the functionality for Donoho's system by allowing the user to specify in the user profile which device will act as the informing device. Donoho further taught the communication channel is based on the setting stored in the advisory file (col.14, lines 39-58, col.23, lines 27-57) and that the network include a plurality of devices (Fig.1).

Conclusion

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34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cruickshank et al, US 6,888,927.

35. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl
October 26, 2006

A handwritten signature in black ink, appearing to read 'Kenny Lin', followed by a large, stylized 'Z' or checkmark-like flourish.